

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JAMES R. BROWN,)	
)	
Petitioner,)	
)	
v.)	CIVIL ACTION NO. 2:08cv795-WHA
)	(WO)
STATE OF ALABAMA, et al.,)	
)	
Respondents.)	

ORDER AND OPINION

On January 27, 2009, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 10). Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is

ORDERED and ADJUDGED that the Recommendation of the Magistrate Judge be and is hereby ADOPTED and that the petition for habeas corpus relief is DENIED and that the petition is DISMISSED without prejudice to afford Brown an opportunity to exhaust all available state court remedies.

Done this the 18th day of February, 2009.

/s/ W. Harold Albritton
SENIOR UNITED STATES DISTRICT JUDGE